

No. PD-1066-17

DAI'VONTE ROSS

§

IN THE TEXAS COURT

FILED

COURT OF CRIMINAL APPEALS

§

OF CRIMINAL APPEALS

DEANA WILLIAMSON, CLERK

STATE OF TEXAS

§

AUSTIN, TEXAS

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
MOTION FOR REHEARING

From County Court at Law No. 15 of Bexar County, Texas
Appellate Cause No. No. 04-16-00821-CR
Trial Court No. 519657
Hon. Robert Behrens, Judge Presiding

In accordance with Tex. R. App. Pro. 10.5(b), the undersigned counsel submits his
“Motion for Extension of Time to File Motion for Rehearing,” and shows as follows:

In a sharply divided opinion, the Court of Criminal Appeals reversed the trial court and
the Fourth Court of Appeals and remanded Appellee’s cause for trial. Appellee’s motion for
rehearing is due no later than Thursday, May 30, 2019.

Counsel is requesting additional time in order to:

1. Prepare a Motion for Rehearing; and
2. Draw to this Court’s attention issues, some of both federal and state constitutional
magnitude, which will arise in light of this Court’s interpretation of Texas Penal Code
42.01(a)(8).

**Mr. Nathan Morey, Assistant District Attorney in charge of this case has expressed
that he is not opposed to the requested extension, as communicated to the undersigned via
email communication on May 22nd, 2019.**

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully requests that this Court grant a 30-day extension of time to file his petition for discretionary review, from Thursday, May 30, 2019, to and including Monday, July 1, 2019.

Respectfully submitted,

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By: /s/ MAC BOZZA
SBN: 24079784

Attorney for Respondent

CERTIFICATE OF COMPLIANCE

I hereby certify that in accordance with T.R.A.P. 9.4(i)(3), the foregoing motion contains
301 words.

/s/ MAC BOZZA

CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of May, 2019 a copy of the foregoing “Unopposed Motion for Extension of Time to File Motion for Rehearing” has been delivered to the Appellate Section of the Bexar County District Attorney’s Office, *via* electronic filing.

/s/ MAC BOZZA